IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 782 of 2007

EXECUTIVE ENGINEER, MHAISAI PUMP HOUSE, DIVISION NO.1. WARANALI VISHRAMBAUG, SANGLI ... PETITIONERS.

VS.

SHRI HANMANT NIVRUTTI PATIL ... RESPONDENT.

MR. VIJAY PATIL FOR THE PETITIONERS.

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CORAM : A.P.DESHPANDE, J.

DATE : February 6, 2007.

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P.C.

1. An Order passed by the Industrial Court, dated 24.6.2006 modifying the Judgment and the Order, passed by the Labour Court, is challenged by filing this Writ Petition.

2. The Respondent workmen claimed that he was working as a casual employee, who had worked for more

than 240 days every year since his appointment so also in the year preceding the impugned termination. He was terminated without any notice or payment of retrenchment compensation, hence, he filed a complaint under the MRTU and PULP Act before the Labour Court. The Labour Court concurring with the case pleaded by the complainant, recorded a finding that the termination of service is in breach of the mandatory provisions of Section 25(f) of the Industrial Disputes Act and hence, granted reinstatement with full back wages and continuity of service. In a Revision preferred by the present Petitioner, the Industrial Court, relying on the judgment of UMADEVI's Case, modified the Order passed by the Labour Court and only granted reinstatement in service without confirming the status of regular employee. The reinstatement is granted without payment of any backwages. It is this Order, which is challenged by the Petitioner by contending that the Respondent was not terminated but he had voluntarily abandoned the service. The said point having been raised before the Courts below a categorical finding is recorded by the Courts below that the Petitioner has utterly failed to establish that the Respondent had voluntarily abandoned the service. There is no material on record to substantiate the said

contention of the Petitioner .

2. Perused the impugned Order. The same does not suffer from any illegality and hence no interference is called for in exercise of writ jurisdiction. Consequently, the petition is summarily dismissed.

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[A.P.DESHPANDE, J.]